

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CARI A. YOUNG
8470 Limekiln Pike
Apt. 915-2
Wyncote, PA 19095

Plaintiff,

v.

PROJECT TRANSITION
1 Highland Drive
Chalfont, PA 18914
and
PROJECT TRANSITION d/b/a
YOUNG ADULTS PSYCHIATRIC
ASSOCIATES
1 Highland Drive
Chalfont, PA 18914

Defendants.

CIVIL ACTION

CASE NO.: _____

JURY TRIAL DEMANDED

CIVIL ACTION COMPLAINT

Plaintiff, Cari A. Young, (hereinafter referred to as "Plaintiff" unless indicated otherwise) hereby complains as follows against Defendants and avers as follows:

INTRODUCTION

1. Plaintiff initiates the instant action to redress violations by Defendants of the Family and Medical Leave Act ("FMLA" - 29 USC §§2601 *et. seq.*) Plaintiff was unlawfully terminated and suffered damages more fully described herein.

JURISDICTION AND VENUE

2. This Court, in accordance with 28 U.S.C. § 1331, has jurisdiction over Plaintiff's claims, because this civil action arises under laws of the United States.

3. This Court may properly maintain personal jurisdiction over Defendants because Defendants' contacts with this state and this judicial district are sufficient for the exercise of jurisdiction over Defendants to comply with traditional notions of fair play and substantial justice, satisfying the standard set forth by the United States Supreme Court in International Shoe Co. v. Washington, 326 U.S. 310 (1945) and its progeny.

4. Pursuant to 28 U.S.C. § 1391(b)(1) and (b)(2), venue is properly laid in this district because all of the acts and/or omissions giving rise to the claims set forth herein occurred in this judicial district.

PARTIES

5. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

6. Plaintiff is an adult individual, with an address as set forth in the caption.

7. Defendant Project Transition (hereinafter "Defendant PT") is a business with multiple locations throughout Southeastern, Pennsylvania which provides apartment-based therapeutic communities that administer psychiatric and/or substance abuse counseling to adults.

8. Defendant Young Adults Psychiatric Associates (hereinafter "Defendant Psychiatric") is a medical clinic doing business in Pennsylvania, with a number of locations in the Philadelphia area.

9. Upon information and belief, because of their interrelation of operations, common ownership or management, centralized control of labor relations, common ownership or financial controls, and other factors, Defendants are sufficiently interrelated and integrated in their activities, labor relations, ownership and management that they may be treated as a single and/or joint employer for purposes of the instant action.

10. At all times relevant herein, Defendants acted by and through their agents, servants and employees, each of whom acted at all times relevant herein in the course and scope of their employment with and for Defendants.

FACTUAL BACKGROUND

11. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

12. Plaintiff was hired by Defendants in or about February of 2009.

13. Plaintiff worked for Defendants as a psychiatric rehabilitation counselor.

14. In or about March of 2010, Plaintiff needed to have surgery on her shoulder for a reoccurring work injury.

15. Plaintiff requested medical leave under the Family and Medical Leave Act ("FMLA").

16. Plaintiff took a medical leave from in or about March 2010 until in or about September 2010.

17. Plaintiff intended on returning to work in or about June of 2010, however, Defendants indicated that they never received her FLMA paperwork and that she was considered "resigned."

18. While Plaintiff was out on medical leave, Plaintiff's physician sent her FMLA paperwork to Defendants, which Defendants denied ever receiving, although it was provided on multiple occasions to ensure that Plaintiff was not considered "resigned."

19. In or about June 2010, Defendants sent Plaintiff certain FLMA paperwork, and gave her one day to fill it out and return it to them.

20. In or about June 2010, within the short one-day window provided by Defendants, Plaintiff sent in the FMLA paperwork, which extended her medical leave until on or about August 25, 2010.

21. In or about July of 2010, Plaintiff's physician gave her a return date of on or about October 1, 2010, which she then communicated to Defendants.

22. After Plaintiff informed Defendants of her new October, 1, 2010 return date, Defendants sent her a letter stating that if she did not return by on or about September 2, 2010, she would be considered resigned.

23. Although Plaintiff's obtained medical clearance to restart work on September 2, 2010, and provided this information to Defendants, they sent her an email indicating that she could not begin until September 7, 2010, despite previously giving her an earlier deadline to return to work.

24. Plaintiff began work on September 7, 2010, under the supervision of a new director who continually praised her performance.

25. Within less than approximately two (2) weeks after returning to work, Defendants orally placed Plaintiff on a two (2) day suspension for "breaking a rule."

26. When Plaintiff returned from her suspension, she was terminated by Defendants on September 16, 2010.

27. To date, Plaintiff has not received any written notice of her termination, although Defendants stated that they would provide her with written notice.

28. Almost immediately after Plaintiff returned from her FMLA leave, she was issued discipline for violating a medical policy while other people she worked with were not disciplined for commonly violating the same policy.

29. In fact, after Plaintiff was terminated, other staff members went to Defendants' director and admitted to violating the same policy as Plaintiff, but they were not terminated.

30. Plaintiff believes that she was treated differently by Defendants when she returned from her medical leave.

31. Plaintiff believes that she was treated in a hostile manner by Defendant PT's Human Resources Senior Director from the time she returned from medical leave until the time that she was terminated.

32. Plaintiff believes that the primary reason she was terminated from Defendants was because of her need for FMLA leave and for exercising her rights under the FMLA.

First Cause of Action
Violations of the Family and Medical Leave Act ("FMLA")
(Interference & Retaliation)
- Against All Defendants -

33. The foregoing paragraphs are incorporated herein in their entirety as if set forth in full.

34. Plaintiff was employed for more than one (1) year with Defendants and was otherwise qualified for medical leave under the FMLA in 2010.

35. Plaintiff required a medical leave of absence from in or about March of 2010 to in or about September of 2010 that was FMLA-qualifying.

36. Plaintiff was terminated: (1) because she exercised her rights under the FMLA; (2) for missing time due to FMLA-qualifying reasons; (4) to prevent her from further exercising her rights under the FMLA; and (5) in retaliation for requesting an FMLA extension due to her medical needs.

37. Defendants' actions as aforesaid constitute unlawful retaliation and interference violations of the FMLA.

WHEREFORE, Plaintiff prays that this Court enter an Order providing that:

A. Defendants are to be prohibited from continuing to maintain their illegal policy, practice or custom of retaliating against and/or interfering with the rights of employees and are to be ordered to promulgate an effective policy against such unlawful acts and to adhere thereto;

B. Defendants are to compensate Plaintiff, reimburse Plaintiff and make Plaintiff whole for any and all pay and benefits Plaintiff would have received had it not been for Defendants' illegal actions, including but not limited to past lost earnings, future lost earnings, salary, pay increases, bonuses, medical and other benefits, training, promotions, pension, and seniority. Plaintiff should be accorded those benefits illegally withheld from the date she first suffered retaliation/interference at the hands of Defendants until the date of verdict;

C. Plaintiff is to be awarded liquidated damages, as permitted by applicable law, in an amount believed by the Court or trier of fact to be appropriate to punish Defendants for their willful, deliberate, malicious and outrageous conduct and to deter Defendants or other employers from engaging in such misconduct in the future;

D. Plaintiff is to be accorded any and all other equitable and legal relief as the Court deems just, proper and appropriate, (where legally permitted);

E. Plaintiff is to be awarded the costs and expenses of this action and reasonable legal fees as provided by applicable federal and state law;

F. Any verdict in favor of Plaintiff is to be molded by the Court to maximize the financial recovery available to Plaintiff in light of the caps on certain damages set forth in applicable federal law; and

G. Plaintiff's claims are to receive a trial by jury to the extent allowed by applicable law. Plaintiff has also endorsed this demand on the caption of this Complaint in accordance with Federal Rule of Civil Procedure 38(b).

Respectfully submitted,

KARPF & KARP P.C.

A handwritten signature in black ink, appearing to read 'C. Burke', is written over a horizontal line.

Christine E. Burke, Esquire
3070 Bristol Pike
Building 2, Suite 231
Bensalem, PA 19020
(215) 639-0801

Dated: October 6, 2010

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CASE MANAGEMENT TRACK DESIGNATION FORM

Cari A. Young

CIVIL ACTION

Project Transition, et al

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. §2241 through §2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- ~~(c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()~~
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

10/10/2010

Date

(215) 639-0801

Telephone

Christine Burke

Attorney-at-law

(215) 639-4970

FAX Number

Plaintiff

Attorney for

cburke@karpf-law.com

E-Mail Address

THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used to indicate the category of the case for the purpose of
sent to appropriate calendar.
s of Plaintiff: 8170 Limekiln Pike, Apt 915-2, Wyncote PA 19095
s of Defendant: 1 Highland Drive Chalfont PA 18914
Defendants place of business

of Accident, Incident or Transaction: _____
(Use Reverse Side For Additional Space)
Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock? Yes ☐ No ☒
Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a) _____

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☒
ATED CASE, IF ANY: _____
Number: _____ Judge: _____ Date Terminated: _____

Cases are deemed related when yes is answered to any of the following questions:
Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court? Yes ☐ No ☐
Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court? Yes ☐ No ☐

- FILE (Place ☒ in ONE CATEGORY ONLY)
- Federal Question Cases:
- ☐ Indemnity Contract, Marine Contract, and All Other Contracts
 - ☐ FBLA
 - ☐ Jones Act - Personal Injury
 - ☐ Antitrust
 - ☐ Patent
 - ☐ Labor-Management Relations
 - ☒ Civil Rights
 - ☐ Habeas Corpus
 - ☐ Securities Act(s) Cases
 - ☐ Social Security Review Cases
 - ☐ All other Federal Question Cases (Please specify) _____
- B. Diversity Jurisdiction Cases:
- 1. ☐ Insurance Contract and Other Contracts
 - 2. ☐ Airplane Personal Injury
 - 3. ☐ Assault, Defamation
 - 4. ☐ Marine Personal Injury
 - 5. ☐ Motor Vehicle Personal Injury
 - 6. ☐ Other Personal Injury (Please specify) _____
 - 7. ☐ Products Liability
 - 8. ☐ Products Liability — Asbestos
 - 9. ☐ All other Diversity Cases (Please specify) _____

CHRISTINE BURKE
(Check appropriate Category)
counsel of record do hereby certify:
☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
☐ Relief other than monetary damages is sought.
DATE: 10/16/2010 A D 1 Attorney-at-Law
308160
CEB9351 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.
I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.
DATE: 10/16/2010 A D 1
CEB9351
308160

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

YOUNG, CARI A.

(b) County of Residence of First Listed Plaintiff Montgomery

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Karpf & Karpf, P.C., 3070 Bristol Pike, Building 2 Suite 231,
Bensalem PA 19020, (215) 639-0801, cburke@karpf-law.com

DEFENDANTS

PROJECT TRANSITION, et al.

County of Residence of First Listed Defendant BucksNOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

(CONTRACT)	PERSONAL INJURY	PERSONAL INJURY	PROPERTY RIGHTS	BANKRUPTCY	OTHER SPECIAL
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.		<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health		<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability		<input type="checkbox"/> 690 Other		<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury		<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 810 Selective Service
<input type="checkbox"/> 190 Other Contract			<input type="checkbox"/> 720 Labor/Mgmt. Relations Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability			<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise			<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 890 Other Statutory Actions
			<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 891 Agricultural Acts
			<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act		<input type="checkbox"/> 892 Economic Stabilization Act
					<input type="checkbox"/> 893 Environmental Matters
					<input type="checkbox"/> 894 Energy Allocation Act
					<input type="checkbox"/> 895 Freedom of Information Act
					<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
					<input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
Family and Medical Leave Act - FMLA (29 USC 2601)Brief description of cause:
Violations of the Family and Medical Leave Act.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

10/6/2010

DATE

SIGNATURE OF ATTORNEY OF RECORD